

REMARKS

The Office Action dated May 26, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claim 6 has been amended. No new matter has been added. Claims 12-26 were withdrawn from consideration pursuant to a Restriction Requirement dated February 22, 2006. Accordingly, claims 1-11 are pending and respectfully submitted for consideration.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-11 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserted that the vehicle speed adjusting device and the target vehicle speed setting device, both of which are recited in Claim 1, are not sufficiently described in the Specification to enable one skilled in the art to use and/or make the claimed invention.

The Applicant respectfully submits that the target vehicle speed setting device is described in sufficient detail on page 21, line 21 through page 24, line 6. As such, this portion of the Specification provides sufficient detail of the target vehicle speed setting device to enable one skilled in the art to make and used the claimed invention.

Further, the Applicant respectfully submits that the operation of the vehicle speed adjusting device is described, at least in part, in the Specification on page 21, lines 14-17.

The paragraph on page 21, lines 18-20 also explains the operation of the vehicle speed adjusting device, but step S10, described therein, is explained in more detail on page 27, line 12 through page 28, line 4 and Figure 5 of the Application.

As recited in claim 1, the vehicle speed adjusting device automatically adjusts the vehicle speed measured by the vehicle speed measuring device independently from the driver's operations of the accelerator pedal and of the brake pedal. This means that the vehicle speed adjusting device operates *not in accordance with* the driver's operations of the accelerator pedal and of the brake pedal.

With reference to steps S41 and S42, shown in FIG. 5, the vehicle speed adjusting device may seem to operate depending on the operation of the accelerator pedal; however, the operation of the accelerator pedal merely gives a trigger *whether or not to allow* the vehicle speed adjusting device to operate, and the accelerator pedal is *merely an example* that gives such a trigger. A device that sends such a trigger to the control unit (ECU) or that picks up the driver's intention to accelerate is not necessarily an accelerator pedal, but may be a separate button, or the like, which can be operated by the driver.

According to the page 27, line 12 to page 28, line 4 of the Specification, the throttle control operation executed by the throttle control device 17, as a part of the drive aid operations, is allowed only when the accelerator pedal is operated by the driver (when determined YES in step S41); however, the movement of the accelerator pedal is merely a trigger whether or not to allow the throttle control device 17 to operate, and a device that sends such a trigger to the control unit 16 may be a separate button, or the like, instead of the accelerator pedal.

In addition, the Specification discloses "a controlled throttle opening 'ThCnt', which is output to the throttle control device 17 *independently* from the driver's operations of the accelerator pedal and of the brake pedal so that the vehicle behaves in accordance with the target behavior," in page 22, lines 4-6, and in page 24, lines 18-21.

In view of the above, the Applicant respectfully submits that claims 1-11 comply with the written description requirement and respectfully requests withdrawal of the rejection.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In making this rejection, the Office Action appears to confuse the purpose and function of the vehicle speed adjusting device and the target vehicle speed changing device. See the Office Action at page 2, lines 25-28.

However, the Applicant respectfully submits that the portions of Claim 1 are not contradictory as asserted in the Office Action because the vehicle speed adjusting device does not select a target vehicle speed. Rather, the vehicle speed adjusting device automatically maintains the speed of the vehicle at the target vehicle speed independent of the driver's operation of the accelerator pedal and of the brake pedal. Conversely, the target vehicle speed changing device changes the target vehicle speed depending on the driver's operation of the accelerator pedal or the brake pedal.

Further, the Applicant respectfully submits that the Office Action's rejection of Claim 2 is improper because the target vehicle speed setting device, recited therein, is

not the target vehicle speed changing device recited in Claim 1. Accordingly, Claim 2 does further define the features of the invention as recited in Claim 1 by adding an additional feature not previously recited in Claim 1, i.e., the target vehicle speed setting device.

Claim 6 was rejected because the recitation therein of "a deceleration intention detecting device which determines that the driver intends to increase the target vehicle speed" appeared contradictory. (Emphasis Added). The Applicant has amended Claim 6 responsive to the rejection by replacing the word "increase" with the word "decrease."

Conclusion

The Applicant respectfully submits that claim 1 is allowable. Claims 2-11 depend from claim 1. The Applicant respectfully submits that claims 1-11 comply with the written description requirement and are definite. Accordingly, the Applicant respectfully requests withdrawal of the rejections, allowance of claims 1-11, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt.
No. 107439-00108.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rhonda L. Barton".

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